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ABSTRACT

This paper, presented at the Society for Applied Anthropology Congress in Amsterdam, describes the emergence of illegal migration as a social phenomenon of world wide significance. Specifically it examines the nature of the social relations that evolve when a large number of an alien population reside legally in a foreign country and present among them are a considerable number whose status is questionable or even illegal, and whose localization and expulsion from that country is actively conducted by law enforcement authorities. Illegal persons from the Dominican Republic who reside in New York are used to illustrate how illegal migrant status operates to set up certain kinds of social relations which in turn explicate behavioral patterns, attitudes, and values, which often seem incongruous to those outside the group. Often, these behaviors frustrate and even prevent communication with institutions such as schools, welfare agencies, and law enforcement agencies, who wish to assist them. Some problems and limitations affecting traditional methodological techniques, used in social anthropology and deemed as ineffective when dealing with illegal migrants, are mentioned. (Author/AM)

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The Phenomenon of Migrant Illegality: The Case of Dominicans in New York

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Man's history has been characterized by migratory activities and a vast body of scholarship has gone into recording patterns of his settlement, migration, and resettlement. It is the rare ethnographer who does not have among his field notes quantities of information concerning some aspect of migration activities. This paper intends to suggest a look at an arena of present day migration studies which has remained, as far as I know, largely unexamined. In a number of areas of the world there are sizeable populations whose presence is illegal, but because they are participants in population sub-segments (nationally or ethnically based) of nation-states who are legally residing within the country, they remain largely undetected or unidentified. But their presence within the sub-segment creates social relationships both within the sub-segments and with the wider society of a special kind.

To Americans probably the most well known example is that of the Wetback, the Mexican citizen who enters and remains within the United States to work and reside illegally. Because of the presence in the U.S. of large numbers of phenotypically Euro-Amerindian Spanish speakers who are either American citizens or legally resident aliens, it is relatively easy for the Wetback to pass himself off as a member of the larger group. Illegal Mexican aliens represent by far the largest number of illegal U.S. residents, but anyone

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familiar with ethnic groupings in large cities such as New York, is aware of the illegal presence of large numbers of West Indians, various Middle and South American groups as well as Italians and Greeks. This does not exhaust the list but represents some of the more obvious groupings. Western European countries face similar kinds of problems, Greeks and Turks in West Germany for example. Well over half a million Colombians are said to reside in Venezuela illegally and are subject to the vicissitudes of recurrent political and economic reprisals. In the U.S. the problem has only recently surfaced with the Immigration and Naturalization Service's publicly acknowledging the presence of from four to twelve million illegal aliens in the U.S. The fact that the number given by INS is so ill-defined indicates how little is known of the problem.

Each society, no matter how simple or complex, has rules describing those who belong and those alien to it. Endogamy obviously simplifies the rules, exogamy necessitates an elaboration. A consequence of the development of the modern nation-state has been further elaboration and reformulation of the concept of citizenship and conversely alienship. Technological development both in kind and scale from transportation to modes of warfare make necessary ever more complicated rules by which we reckon in-ness and out-ness. Societies which are stratified and pluralistic add still further dimensions, for they by definition contain collectivities of persons about whom other parts of the society remain largely ignorant.

National identification or citizenship in modern society is usually surrounded by a set of legalisms concerning place of birth or ritual activities undertaken to affiliate an individual with a nation-state. It is possible to project a continuum of the inhabitants of modern nation-states in which

native-born citizens lie at one end of the scale and illegally present aliens at the other with various intermediary positions between. Indeed, in this room are persons of legal statuses ranging from Dutch citizens, foreign nationals here in a visitors' status as I am, aliens on student visas and perhaps even aliens who are present in some degree of illegality. Many of you who have done field work abroad are well aware of the morass of legalisms and bureaucracies one can be required to pass through in order to gain permission to reside as an alien in a foreign country.

The specific problem I wish to examine is that of the nature of the social relations which evolve under rather specific conditions: (1) large numbers of an alien population reside legally in a foreign country, (2) there are present as active social participants within this population considerable numbers of individuals whose status is under questions, if not outright illegal, and (3) law enforcement agencies potentially or actually seek to ferret out and exclude those illegally present. We therefore, are not here concerned with the isolate who literally loses himself and his former identity in the alien state.

My purpose here is to describe one such population, citizens from the Dominican Republic who reside in New York City, and illustrate how this illegal status operates to set up certain kinds of social relations which in turn explicate behavioral patterns, attitudes and values which often seem incongruous to those outside the group. Often these behaviors frustrate and even prevent communication with institutions such as schools, welfare and law enforcement agencies who wish to assist them. Migration, culture contact, assimilation and integration are familiar concepts in anthropology and a whole body of anthropological literature exists analyzing the processes

by which they take place. The problem of illegality and the consequent necessary surreptitious context in which these processes occur are not so well documented. I will attempt to demonstrate how this situation in one case operates to delay, if not mitigate, these expected acculturational processes.

In order to understand the context of my remarks I should explain that the field work from which this data was drawn was done by spending time in a small village of the Dominican Republic where for the past two decades many of the inhabitants have been involved in a migratory stream to New York. The major part of the field experience, however, was carried out in New York seeking to understand the villagers' experiences as urban proletariats (Hendricks, 1974).

The Dominican Republic, a Hispanic island nation in the Caribbean lies just 70 miles from Puerto Rico and 1560 miles from New York City. I remind you that Puerto Rico, even though Spanish linguistically and Hispanic culturally, is part of the U.S. As such, the residents are U.S. citizens who are entitled to migrate northward without restriction. The status of Puerto Rico is important because it represents an important route into the U.S. mainland for many illegal Dominicans. Once present in New York, Dominicans can, with relative ease, be identified by the dominant English speaking society as simply "more Puerto Ricans."

U.S. immigration law is very complicated and we cannot deal with it here in any detail. However, we must recognize several aspects of it. First, it allows entry of two classes of individuals: (1) the <u>immigrant</u> who is allowed to seek employment and eventually, if he wishes, to gain, through legally prescribed processes, U.S. citizenship; (2) the <u>non-immigrant</u> who

is assumed to be present only for a limited period of time to visit, to study, or to carry out business and diplomatic transactions. Normally a person in the non-immigrant status can never obtain the valued "green card" signifying his right to be employed remuneratively while present in the United States. Only quite recently proof of immigrant visa status has also been essential for obtaining a social security number, sine qua non for employment in the U.S.[1]

Obtaining an immigrant visa is a very difficult and time consuming process, especially since the revision of the basic immigration law in 1968 which for the first time set a ceiling on the number of immigrant visas issued to residents of Western Hemisphere countries. The net effect of the law has been to reinforce certain categories of kinship relationships. For example, a resident (immigrant) alien can gain priority in the issuance of a visa for his legally wedded spouse. Also, such an applicant is able to avoid the number limitation. The law also reinforces dependence on others to assist the individual in obtaining employment and financial guarantees. Because these laws are built on norms and values that are sometimes in conflict with Dominican ones, they are seen as unfair, immoral and arbitrary.

What constitutes a spouse? a child? In a society where polygamous relationships are socially condoned at all class levels, an individual may be recognized as father and responsible for dozens of children. For the U.S. to refuse a visa to a child because he is born outside a legally sanctioned marital union is seen as reason enough to circumvent what is considered to be a basically discriminatory law. One elderly patriarch in the Dominican village where my field work was carried out recognized paternity to 47 children in four unions which he maintained simultaneously. Because

he exercised the economic and social responsibility expected of husbands in such unions, he was universally recognized in a father role by all. Twenty-two of these children have immigrated to the U.S., but only a portion of them was recognized by U.S. law as legitimate.

The other category of visa, those for the non-immigrant, has been so frequently violated by Dominicans that special requirements have been laid down by the U.S. Consulate in Santo Domingo. The applicant for such a visa must show evidence of current employment, possession of real estate or ownership of a bank account, factors it is assumed will assure his return to the Dominican Republic. A wide variety of subterfuges have emerged to gain visas that range from outright falsification of entire documents, arranged marriages, to mere embroidery of the truth about work experience. In addition, out of the complications of the law has emerged a role for the specialist, or as I shall later discuss, the agent-broker. In very much the same way the complications of income tax laws almost necessitate a specialized occupational role to assist many Americans to fill out our tax forms, specialists in obtaining visas have emerged.

At the present time almost 2,000,000 Spanish-speaking persons reside in metropolitan New York. While most are widely identified as Puerto Rican, actually only half of this group are. The other million is made up of quite recent immigrants from various Caribbean, middle and South American countries. During the past decade more than 250,000 Dominicans have arrived in the United States settling chiefly in the metropolitan New York City area and in San Juan, Puerto Rico. The exact number is not known because only a portion of those present are here legally. Large numbers have also arrived as

temporary visitors, but remained to seek employment for varying lengths of time. An examination of the annual reports of the Immigration and Naturalization Service indicates the inordinate number of visitors who come from this tiny island nation. In 1972 Dominican tourist entries into the United States ranked in tenth place of all countries in the world. In this same year 2,054 Dominican aliens were formally required to depart from the United States for visa violations. These figures represent only the tip of the iceberg, because far more are found and allowed to leave without formal notification. To do so is to the individual's advantage because he has no mark on his record and can reapply for another visa as soon as he returns without any sanctions against the application. I have given this sketchy review of immigration law because it is against this background that the description which follows must be projected.

The formal legal aspects of the immigration process grant priority to those with kinship ties to those already present in the U.S. and the law necessitates seeking out financial and employment underwriters. In addition, informal values within Dominican culture of the personalistic nature of social existence, the heavy reliance on mutual assistance within family groupings, all inextricably bind the newly arrived individual, regardless of his visa status, to the established group in New York. Today with the size of the Dominican population, the newly arrived immigrant immediately enters an existing social network composed of kinsmen (both real and fictive), friends and previous acquaintances and perhaps other Hispanos, but almost never including Americanos. Most importantly, the visa status of everyone is widely known throughout the network. Some persons have been involved in

the recruitment of the illegal individual and may have been instrumental in whatever deception was necessary to obtain his or her visa. This should not imply that all persons arrive under illegitimate circumstances; for large numbers, the threat of exposure is always present. The particular group with whom I worked in New York City was peasants who had only rudimentary, if any, literacy in their native Spanish tongue and few, even after years in New York, could read or write in English. While many of them were in reality limpio ("clean" with the law), they were still unclear as to their rights before the law and were easily cowed by threats that some action they had taken could result in their deportation.

Finding a job is normally accomplished through the mediation of someone within the established network. Perhaps a member of the household is aware of an opening in the restaurant or factory where he works. However, for an unskilled worker unable to speak English, the range of employment opportunities is narrowed to a limited set of possibilities. Typically, a first job is that of a dishwasher in a restaurant or a laborer in a clothing factory. However, the cost of immigrating, including obtaining a visa and transportation, is usually $300 to $500, and has been borrowed from a money lender who charges from 3% to 6% per month in interest or from a relative who may expect only repayment of the principal without interest but attaches a number of personal obligations to the transaction. For either the legal or illegal immigrant the pressure to quickly discharge these financial obligations is considerable and it is during this time that many will seek out several jobs simultaneously.

Few individuals, legal or illegal, arrive with the assumption that

the move to New York is a permanent commitment to immigrate. Rather the migration is looked upon as an opportunity to accumulate a sum of capital to return to the Republic and either retire comfortably or to invest in some enterprise in the homeland. For the illegal immigrant it is imperative that he make the most of his opportunity for he is well aware of the tentativeness of his tenure. At any time some event could precipitate his detection and return to the Republic. Thus what is interpreted by some outsiders as an inordinate concern for industry and making money is in reality a response to the tentative nature of their position.

Employers are well aware of the tenuous position of the immigrant job seeker and examples of flagrant intimidation and illegal substandard pay rates are common. During the course of my field work, a large restaurant chain which hired many Spanish speaking immigrants as kitchen helpers and dishwashers was faced with the threat of unionization. They successfully intimidated a number of workers, including some of my informants, by threatening to have agents of the Immigration and Naturalization Service examine their workers' visas if they voted for the union. In turn, few union organizations indicated an interest in servicing the needs of this particular group although they willingly accepted their dues.

A frequent comment by police officials was that there was far less fighting and brawling among Dominicans. "Thirty years of Trujillo taught them to respect law and order" commented one precenct officer in an area of mixed Puerto Ricans and Dominicans. What he failed to realize was the basis of the norm system operating to settle disputes internally: the fear that someone within the circle of those involved would be detected as illegally

present in this country.

While for the most part the shared desire to avoid scrutiny from outsiders operates rather consistently, this same situation creates areas of possible friction. The illegal individual is open to intimidation by those within his social network who are aware of his status. He, of necessity, must at time accept subordinate and submissive roles because he fears to carry out any activity publicly.

Modern transportation with direct daily New York to Santo Domingo flights make it possible for the immigrant to return frequently to his homeland. But the illegal resident does not have this option as once he returns, his visa usually becomes invalid and another must be applied for. The consequence of this is that the individual often feels "trapped" in land that was to have been his golden opportunity.

One of the functional results of this tentativeness about settlement in New York is that there is no attempt to acculturate, even to the larger Hispanic society of New York. The social network into which the new arrival is introduced tends to be quite closed and rather than provide him or her with a stable platform from which to launch new social relationships and experiences, it more frequently operates to prevent widening of it. Outsiders from the Anglo world, street workers and welfare workers who attempt to break into it are met with great suspicion for fear they may somehow be agents of the Immigration and Naturalization Service. One well meaning church group decided to offer English lessons. At the end of the first meeting a paper was passed around for the students to write their names and addresses on. Of the ten present, three (whom I knew to be illegal) failed to sign the sheet and two others gave false names and addresses. These five

never returned for the second session.

The majority of incoming immigrants, as immediate participants in on-going social networks, rely heavily upon the other participants as mediators between themselves and whatever aspect of the new environment they are unable to cope with. However, even the established resident Dominican is seldom so acculturated that he can provide all the assistance that is necessary in this highly technical and specialized American society. Both because of the actual need for specialized culture-broker roles as well as their existence in the form of tributarios in the Dominican culture, it is to be expected that such structural roles will be replicated in New York. The travel agent catering to a clientele of Hispanos has undergone a process of syncretism and become the culture broker for large segments of Hispanic society. While overtly such an office appears to be primarily involved in selling tickets and tours, actually it encompasses a whole host of activities which seem unrelated to the travel business: translations, notary public, income tax preparation, driving instruction, real estate and rental information, and most importantly, help in the preparation of immigration forms.

Since some of these activities may include sub-rosa if not outright illegal aspects, the successful travel agent-broker is one who demonstrates that essential element of confianza (trustworthiness). It would be incorrect to portray these agent-brokers as possessing an interlocking system of relationships that in effect either link themselves as a role class or bind the majority of the immigrants together. Many Dominicans have reached the point of acculturation and literacy in English that they are capable of

crisis was agreed to only upon his disassociation from public activities.

One further response to the condition is that it provides additional reasons for the individual to remain physically closely allied to the social network. A move to a less urban area makes for far greater visibility. It was my observation that only those persons who were entirely free of financial, familial and legal obligations, that is completely certain of their immigrant visa status, ventured to move outside the confines of their New York ghetto enclaves.

Marriage patterns are influenced by illegality. Marriages arranged strictly for the purpose of acquiring resident visa status are common enough that consular officials seriously question each request for a change in status based upon conjugal ties acquired after arrival in the U.S. An open market exists in major American cities for such liaisons. Thus, data the field worker collects about household and family relationships is not always congruent with legal marriage patterns. Among my informants such arranged marriages to outsiders tended to be rare. Rather the marital tie was most often made endogamously to others from the extended kin unit, or those known to possess that much sought-after quality of confianza. Since endogamy was common in the village and marriages of first cousins frequent, it is not possible to know to what degree the selection of mates in New York was a reflection of persistent traditional practices or that it was simply functional behavior reinforced by the circumstances of the individual's visa status.

A corallary issue of this concern for marital and familial forms is that of the children born in the U.S. to illegal immigrants. It is possible, though difficult, in some cases for parents to gain legal

status based upon the status of their children. This possibility was exploited by some individuals I came to know but the route was fraught with difficulties. One impediment is that public health, welfare and educational facilities are not available to the non-immigrant.

Because of real and preceived marginality to the host American society, minimal attempt is made to conform to its norms. During the time of my field work all American males were subject to the Selective Service law. Normally an American male registers with his draft board upon reaching 18 years of age. It was quite common among young Dominican males I knew to avoid the draft obligations by simply not registering. Detection of this failure to register by legal authorities meant at most the threat of expulsion from the U.S. But this became a trade-off as the possibility of being apprehended was minimal if one steered clear of police. Conversely the loss of two years of remunerative employment if one entered the Army appeared to most to be less desired than fear of apprehension. Obviously the illegal migrant could not register even if he were willing. All concerned within their social network had varied reasons for protecting the knowledge of draft evasion from outsiders. However, the presence of the illegal migrant among them was certainly an important, if not major, reason for all to remain tenuously connected to American society. Just as the illegal individual, perceiving that he was in danger of detection, could depart precipitously for his homeland, the same kind of behavior was reinforced in legal immigrants to depart rather than face court orders, pay bad debts or a variety of other punitive actions. This is not to imply that this behavior is the most usual way of meeting confrontations with the dominant

society or even seen as the most desirable, but rather that escape to the homeland is a viable option that is chosen by many in times of difficulty.

Obviously for the field worker, the situation presents problems and limitations. One is perceived in several roles. First as a potential threat, possibly an agent of the imigration authorities. As one informant remarked, "Why else would the Americans pay attention to us?" On the other hand, as there is a constant search for someone from whom help might be received, much of your time is spent in answering questions about how to gain a legal visa. This poses problems, as too much knowledge reinforces the belief that you are an agent, and too little willingness to give what knowledge you have of possible options which might help them is interpreted as an equally justifiable reason to believe you are an agent who might betray them. Events over which you have no control are often imputed to your presence. This was most vividly brought home to me in one case when I had knowledge which was potentially damaging to an applicant. When the individual was turned down for a visa, it was assumed that my knowledge was responsible for the consulate's action.

Some traditional methodological techniques of social anthropology such as household censuses, genealogies, and land tenure are rendered ineffective because seldom is it possible to interview or even gain complete information about given sets or sub-sets of family, household or social networks. The fear of disclosure for some parts of these units leads to refusal or at minimum much misinformation and lying. "What I have to gain by spilling my guts to the Americans," was the report carried back to me when I attempted to meet one individual I considered

key to the recruitment of a large number of his kinsmen to New York. An outright threat of violence was passed on to me if I pursued my inquiry into another kinship based unit.

Another methodological difficulty arises in the fact that the social field of almost everyone involved in such illegal populations includes the homeland. Just as much behavior in the village could be understood only in terms of actions and events transpiring in New York, the New York residents often carried out seemingly incongruous activity if not viewed within the social context of events in the Republic or home village.

None of these problems is unique to research among illegal migrants. However, the situation exacerbates some of the typical problems of role perception with which almost any researcher is confronted. For persons who have much to lose in the disclosure of their actions, violence is not an improbable possibility. While working in the village, one of my chief informants always insisted upon escorting me home in the evening when I stayed past nightfall. At the time, I inferred this to be his concern over the possibility of my being harmed by the wandering spirits within the night air, a romantic notion gleaned from reading Latin American ethnographies. In reality, I was to learn much later it was his concern over potential injury by those individuals who were involved in a visa falsification ring operating at that time in the area that was being uncovered by American officials in Santo Domingo.

What I have attempted to demonstrate here is the way in which the mixture of legal and illegal populations operate to self-segregate the entire group, insulating it from the larger society and in effect

mitigating many social processes which normally would be operating to acculturate them to the new social environment. In the example used here, Dominican social history has already laid down the forms of how the structure will emerge in the new situation. Other groups of aliens who fall within the category that I have discussed here will undoubtedly elaborate different social mechanisms to meet the threat of exposure. I suggest more ethnographic accounts of groups faced with the same situation would provide interesting, if not important, information in theoretical and applied situations.

Footnotes

[1] Perhaps it is necessary to point out to the non-American members of this audience that the United States has no national registration system of all citizens as is common in many countries. An individual's social security number functionally approaches this identification system, but is not yet universal in its application. Currently, attempts are being made to use it so, and the increasingly difficult problem of illegal migrants in the U.S. is one of the arguments for the social security number to be used in this fashion.

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